

ALASKA LEGISLATIVE COMMITTEE FILES 1965-1966 60/2

3447 HLAB SUNSET LEGISLATION - TRANSFER/ATHLETIC COMMISSION 323

APPENDIX B

Footnotes

1. The Status of Sunset in the States: A Common Cause Report, Common Cause, March 1982. page 42.
2. ibid, page 43
3. ibid, page 43-44

The Status of Sunset in the States: A Common Cause Report, summary and recommendation follow. The complete report summarizes a questionnaire sent to states with Sunset laws. The questionnaire which allows comparisons between states is contained in the body of the report. We recommend anyone with interests in comparing the Alaska experience with other state's experiences read this report in conjunction with our report. Copies of this report are available upon request from the Division of Legislative Audit.

THE STATUS OF SUNSET IN THE STATES

SUMMARY

Sunset legislation -- which requires the periodic review of state agencies under the threat of automatic termination unless affirmatively recreated by law -- has triggered state governments' interest in legislative oversight and enhanced their ability to conduct it.

Since the enactment of the first Sunset law in Colorado in 1976, 35 states have passed Sunset laws. One-third of these states have taken action to expand their Sunset laws to apply to additional agencies and programs. As recently as December, 1981 Pennsylvania passed a Sunset law for the first time. Only one state, North Carolina, has formally abandoned the automatic termination provision which distinguishes Sunset from other forms of legislative oversight.

Most state Sunset laws embrace the principles suggested by Common Cause in 1976; however, current Sunset laws differ in the type and number of agencies they cover and in their approach to organizing and implementing Sunset reviews. (The Common Cause Sunset Principles are listed on page 2.)

The following conclusions are based on the results of a questionnaire completed by all 35 states with Sunset laws, on in-depth case studies of the Florida and Texas Sunset laws, and on research of individual state Sunset statutes and reports prepared by the Sunset evaluation staff. Our review has determined that Sunset is largely achieving its goal of helping to make government work better. However,

problems with Sunset laws do exist and will require skillful handling by those involved with the implementation of Sunset laws in the states.

THE BENEFITS OF SUNSET

1. Improvements in Government Performance - The results of the Common Cause survey indicate that two-thirds of the respondents from states with Sunset laws believe that increased agency efficiency and public accountability have been principle benefits of Sunset. Improvements have taken the form of major across-the-board reforms and specific recommendations applied to individual agencies.
2. Financial Savings - The purpose of Sunset is not to slash state budgets, but rather to improve agency performance and to free citizens from excessive regulation. Saving money and conducting Sunset are not mutually exclusive, however. In at least one-sixth of the states conducting Sunset reviews, legislators have been able to document savings.
3. Increased Legislative Experience In Conducting Oversight - Over half of the states with Sunset laws stated in the Common Cause questionnaire that increased legislative experience and interest in legislative oversight have been important benefits of Sunset. A positive outcome of this experience is the emergence of state government officials who are competent and often innovative leaders in the emerging area of oversight.

PROBLEMS WITH SUNSET

1. False Expectations About What Sunset Can Do - States continue to look for an instant reduction in the size of state government. The number of agency terminations is the wrong yardstick of success for Sunset. Further, state legislatures expect to see instant dollar savings from Sunset. Since most states began Sunset reviews with the examination of regulatory agencies, massive savings were never possible. However, a number of states are beginning to achieve significant savings, particularly when they have begun reviews of large regulatory agencies or service delivery agencies or programs.
2. The Time-Consuming and Costly Nature of Oversight - The leading complaint about Sunset is that Sunset reviews are too time consuming. However, states are tackling the problems of managing the Sunset workload and costs creatively. They are reducing the number of agencies reviewed in each cycle, lengthening the review cycle itself, creating priority review, and streamlining auditing and reporting requirements.

3. Low Public Participation and the Disproportionate Influence of Regulated Professions - Seventy percent of the states surveyed reported that the average turnout for a public hearing has been 25 persons or fewer. That licensees attend public hearings is commendable, but industry involvement often extends beyond public testimony to include intense lobbying of state legislators. One-third of the survey respondents indicated that they only hear from licensed professionals about Sunset issues.
4. Inadequate Measurement Information on Agency Performance and Agency Value. Many states are struggling with appropriate evaluation criteria for examining an agency's performance in achieving its goals. Almost half of the states indicated that the lack of measurement information on agency performance and agency value has been a major problem. This issue is especially critical when examining non-regulatory agencies which are unlikely candidates for termination and which have a large impact on the state budget.

RECOMMENDATIONS

The following recommendations are discussed in detail on page 35. The recommendations were developed with the knowledge that states are at various stages of Sunset implementation. States which are looking ahead to an expanded role for Sunset frequently have an interest in the dual goals of establishing a manageable workload and in broadening the scope of their review schedules to include non-regulatory agencies (e.g., service delivery agencies and programs).

1. States involved in expanding the scope of their Sunset reviews beyond regulatory agencies should develop a timely, systematic procedure for establishing a manageable schedule of agency terminations.
2. States involved in broadening the scope of their Sunset laws should consider lengthening the termination schedules they have adopted to 8 or 10 years.
3. States may want to modify the evaluation criteria in their Sunset laws if they are adding non-regulatory agencies or programs to their review schedules.
4. To create a more manageable workload for Sunset reviews, states might consider establishing priorities for conducting their program evaluation process.
5. States should attempt to achieve a close integration of Sunset with the budget process.

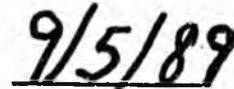
6. Sunset findings should be presented in an organized, digestible format.
7. Public participation in the Sunset process should be encouraged.
8. Executive branch participation in the Sunset process should be increased.



RECORDS CERTIFICATION

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Signature of Camera Operator


Date

HLC

TRANSFER

ATHLETIC

COMMISSION

REPRESENTATIVE
MIKE NAVARRE

DISTRICT 5A

CHAIR, LABOR & COMMERCE
VICE-CHAIR, STATE AFFAIRS

Alaska State Legislature



HOME ADDRESS
P O BOX E
KENAI, ALASKA 99611
(907) 283-7813

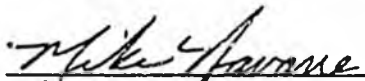
WHILE IN SESSION
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3893


House of Representatives

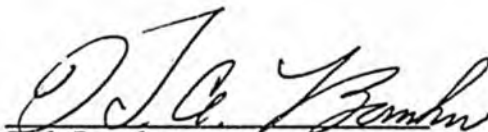
COMMITTEE REPORT

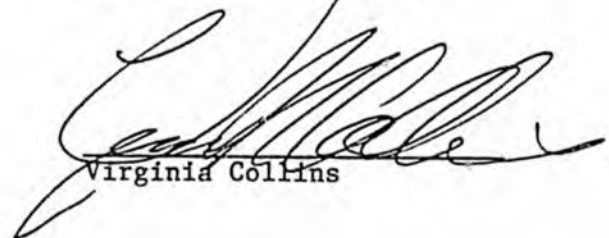
TO: Rep. Ben Grussendorf, Speaker of the House
FROM: Rep. Mike Navarre, Chairman House Labor & Commerce
SUBJECT: Executive Order 60
DATE: February 6, 1985

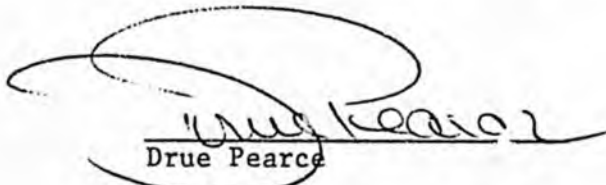
The House Labor and Commerce Committee has reviewed the Governor's bill, EO 60, which transfers the State Athletic Commission from the Office of the Governor to the Department of Commerce and Economic Development, and recommends that it not be disapproved.

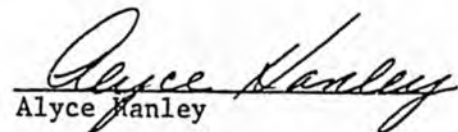

Mike Navarre, Chairman

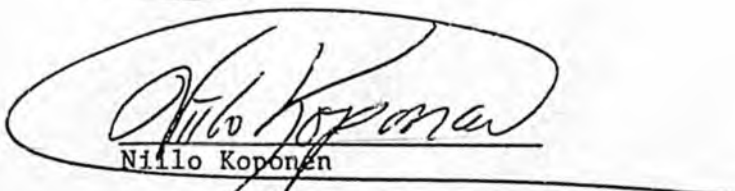

Mike Davis, Vice-Chairman


Red Boucher


Virginia Collins


Drue Pearce


Alyce Hanley


Nillo Koponen

To: Mike
FROM: Roger

February 6, 1985 Wednesday

This bill is more confusing than it looks. The basic legalities of the thing are laid out in the statutes inclosed in the member's files.

If the House and Senate approve of the Executive Order, they should take no action as a body. If they wish to disapprove, however, they have to pass a special concurrent resolution. Under the Uniform Rules:

4) A special concurrent resolution is employed to consider disapproval of an executive order of the governor laid before the legislature under provisions of Sec. 23, Art. III of the State Constitution. This resolution must be considered by a joint committee and may be adopted by a majority vote of the full membership of the legislature in joint session without recourse to three readings.

However, the Senate L & C Committee has already passed EO 60 out of their committee, so a joint committee hearing between us and them could get into legal problems.

All of this information is separate from what the committees do in this situation. A check with Billy Berrier of Legislative Legal Counsel and with the Chief Clerk of the House indicated that the most typical procedure is to send a letter of recommendation to the Speakers Office from the Committee stating that the House not disapprove of EO 60.

As chairman, you have the discretion of how you want this to appear. If it looks like the minority members will sign it in your judgement, then pass around the letter that has individual signatures (in fact, as long as you have a quorum there, you can take a vote or whatever and see just where they all stand). Then if it appears that the minority is getting contrary, you can as an alternative send the other letter that says that a majority of the Committee recommends not to disapprove, and just sign it yourself later.

I instructed the committee members in their memo that EO's are not subject to amendment, nor do you vote pass or do not pass with individual recommendations on the normal sheet. Instead, we send up a letter to the Speaker via the Chief Clerks office so that the Committee report and recommendation will be read into the record the following day, so that the public is shown we have studied the situation.

The bill will go from us to Finance, and most likely Finance will just sit on it; or if they pass it on out, Rules will not let it come to the floor.

Carol Derfner will be here to testify or respond to questions if the Committee has any.

Although for the record I have included the Athletic Commission audit report, which has some recommendations involving legislation, etc., this executive order action is a separate issue. The Commission is not being sunsetted; so a detailed overview of their activities is most likely not appropriate until it is, though it is within the Committees power to do so at the discretion of the chairman. Further, there is a response from Commissioner Lyon of Commerce responding to the LB & A recommendations.

EXEC. ORDER # 60 FILE CONTENTS

- 1) Summary of EO # 60 -- Legislative Reporting Service
- 2) Overview -- Committee Staff
- 3) Overview of Board & Board Members -- Boards and Commissions Office
- 3) Transmittal Letter from Governor
- 4) Fiscal Note - Dept. of Commerce
- 5) Statutory References
- 6) Operating Budget Request - FY 86
- 7) Audit Report on Athletic Commission (July 1, 1975-April 30, 1983)

EXECUTIVE ORDERS

Civil Air
Patrol
(transfer
of resp.)

EXECUTIVE ORDER NO. 59, by the Governor. Transfers responsibility for state support of the Civil Air Patrol from the Department of Military and Veterans' Affairs to the Department of Public Safety (see accompanying letter).

Introduced January 14 in the House and Senate and referred to State Affairs, then Finance in both houses.

In his message accompanying the order, Governor Sheffield stated:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting an executive order that transfers the responsibility for state support of the Alaska Wing, Civil Air Patrol, from the Department of Military and Veterans' Affairs to the Department of Public Safety. This order is similar to Executive Order No. 33, issued in 1968 by Governor Mickel, transferring that responsibility from the Department of Commerce to the Department of Military Affairs.

The Civil Air Patrol was presumably placed within the Department of Military Affairs because it is an auxiliary of the United States Air Force. The Alaska Wing, Civil Air Patrol is a search and rescue organization, which receives state revenues under a search and rescue BRU in the Department of Military and Veterans' Affairs' budget. However, the same time, the Department of Public Safety is responsible for administering search and rescue operations within the state (AS 18.60.120 et seq.) and also has a search and rescue BRU in its budget. The intent of this order is to consolidate all search and rescue efforts under one state agency, the Department of Public Safety, and to make uniform the policies and practices regarding search and rescue.

This order repeals AS 26.05.345, which currently establishes the Department of Military and Veterans' Affairs as state liaison for the Civil Air Patrol, and adds AS 18.60.146 to give the Department of Public Safety that responsibility. The order also repeals AS 26.05.347 relating to transfer of forfeited aircraft to the Civil Air Patrol, and adds AS 18.60.148 to place that provision in the Department of Public Safety also.

The order takes effect July 1, 1985.

Athletic
Commission
(transfer)

EXECUTIVE ORDER NO. 60, by the Governor. Officially transfers the Athletic Commission from the Office of the Governor to the Department of Commerce and Economic Development (see accompanying letter).

Introduced January 14 in the House and Senate and referred to Labor & Commerce, then Finance in both houses.

In his message transmitting the order Governor Sheffield stated:

Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting an executive order that officially transfers the Athletic Commission from the Office of the Governor to the Department of Commerce and Economic Development.

The Athletic Commission (AS 05.05 and 05.10) is currently assigned by AS 05.05.010 to the Office of the Governor. However, it was informally and unofficially transferred to the Department of Commerce and Economic Development in a July 30, 1980 memorandum by former Governor Hammond. This executive order would make that transfer official.

EXECUTIVE ORDERS, (cont'd)

EO 60, (cont'd)

The transfer places the commission where it logically belongs, with the other occupational licensing and regulatory boards and commissions. The commission will be undertaking the promulgation of regulations governing the increasing number of boxing matches in our state. The Division of Occupational Licensing will provide staff assistance to the commission.

I believe that this transfer will improve the efficiency and effectiveness of the Athletic Commission. I am confident that, along with the funding I have requested for the commission in the budget, the transfer will also improve the quality of the services the commission provides to boxers, promoters, and fans alike.

This report is a simple compilation of information and it is not, nor is it intended to present, a legal interpretation.

This report includes all bills and resolutions introduced and all action taken in the Alaska House and Senate from January 14, 1985 through January 20, 1985.

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M E M O R A N D U M

TO: All members, House Labor and Commerce Committee

FROM: Committee Staff

DATE: February 5, 1985

SUBJECT: Overview, Executive Order # 60, Athletic Commission

The House Labor and Commerce Committee is meeting on February 6, 1985 in Room 102 of the Capitol Building beginning at 1:15 pm on Executive Order # 60; Transferring the Athletic Commission from the Office of the Governor to the Department of Commerce and Economic Development. This Commission is not up for sunset review.

This issue was dealt with last year under HB 241 which tried to create an Athletic Commission when one was already in existence; and then CSHB 241 which tried to change the Commission to a Boxing Commission; this bill passed the House in amended form 32-6 on June 21, so it died before the Senate could take it up. A related bill, SB 166, died in Senate State Affairs.

Governor Hammond wrote a memo on July 30, 1980 which assigned administrative responsibility for the Commission to the Department of Commerce and Economic Development; however, his memo also clearly states that the final official transfer cannot be made without legislative approval, which is what is being asked for in this Executive Order.

This Commission was first created in 1959, with five members, to oversee athletic programs. Historically, its primary activity has been to regulate boxing & wrestling activities in the state, but its general thrust is to deal with any professional sporting events which are held for profit in Alaska (not including university or school activities). According to the Budget and Audit Report in this file, this Commission not been able to operate effectively and has suffered from general neglect while it was located in the Office of the Governor (no funds since 1977). Since the Dept. of Commerce supervises most other professional boards and commissions, it is the most likely and appropriate choice to handle the Athletic Commission, which for all practical purposes, it is already doing.

The Legislative Budget and Audit report has several recommendations, which basically relate to providing funding for the current Commission. While the Fiscal Note is zero, it appears that funding will be supplied during the coming year; we have been told that there is an appropriation request in the Departmental budget for FY 86 for some \$51,500 to cover one position plus travel and costs for a staff person to work on the activities of several Commissions, including this one (see Operating Budget Request in your file under (6).

While there are certain issues that still need to be resolved with the Commission, particularly the issue of State liability in the case of injuries which may result from any sporting event under the Commission's jurisdiction. all of these issues can be dealt with by other means or by other legislation and are secondary to the basic one here of transferring the Commission.

The statutory sources in your file indicate that "no action" by the House and Senate within 60 days means approval of the Order; and disapproval could only come by a special concurrent resolution of both houses. However, it is appropriate that we have hearings and move the bill out of Committee so that we go on record that a public hearing was held, even though it is not necessary to move it on to the House floor for action and approval (in fact, it will be referred to Finance). Unlike a bill, there is no "pass" or "do not pass" with an executive order, nor can it be amended.

BOARD: ATHLETIC COMMISSION

TITLE: Athletic Commission

DEPT: Department of Commerce and Economic Development

AUTHORITY: AS 05.05.010

STATUS: ACTIVE

REQUIREMENTS: LEGISLATIVE CONFIRMATION

PROHIBITIONS:

TERM: 2-year - overlapping

DESCRIPTION: 4 members appointed by Governor: 1 from each of the four major Senate districts; selected on basis of knowledge/interest in athletics in the state; Governor appoints Commissioner to serve 5-years; serve at pleasure of Governor.

SPECIAL FACTS:

FUNCTION: Adopts regulations governing athletics, athletic programs, and contests.

COMPENSATION: Standard travel/per diem

MEETINGS: May meet at least once a year

*FOR FURTHER INFORMATION CONTACT: Licensing Examiner, Division of Occupational Licensing, Dept. of Commerce and Economic Development, Pouch D, Juneau, AK 99811 - 465-2534

Athletic Commission

<u>MEMBER</u>	<u>APPT</u>	<u>REAPPT</u>	<u>TERM</u>
Joe Armstrong 836 "M" Street, #216 Anchorage 99501 AC/Commissioner - Chair	83/04/07		86/05/14
Tom Behan 2417 Marilane Avenue Anchorage 99503 Public	84/11/21		85/05/14
Jay Caldwell, MD 305 West Dimond Boulevard Anchorage 99501 Public	83/05/02		85/05/14
Edwin W. Lawrence 725 Chandalar Fairbanks 99701 Public	84/11/26		86/05/14
Dan McClinton P.O. Box 391 Douglas 99824 Public	84/12/04		86/05/14

STATE OF ALASKA
LEGISLATURE

January 14, 1985

The Honorable Ben Grusserdorf
Speaker of the House
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Representative Grussendorf:

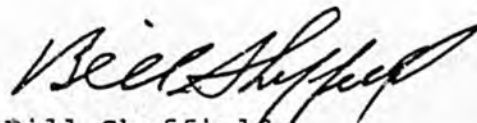
Under the authority of art. III, sec. 23, of the Alaska Constitution, I am transmitting an executive order that officially transfers the Athletic Commission from the Office of the Governor to the Department of Commerce and Economic Development.

The Athletic Commission (AS 05.05 and 05.10) is currently assigned by AS 05.05.010 to the Office of the Governor. However, it was informally and unofficially transferred to the Department of Commerce and Economic Development in a July 30, 1980 memorandum by former Governor Hammond. This executive order would make that transfer official.

The transfer places the commission where it logically belongs, with the other occupational licensing and regulatory boards and commissions. The commission will be undertaking the promulgation of regulations governing the increasing number of boxing matches in our state. The Division of Occupational Licensing will provide staff assistance to the commission.

I believe that this transfer will improve the efficiency and effectiveness of the Athletic Commission. I am confident that, along with the funding I have requested for the commission in the budget, the transfer will also improve the quality of the services the commission provides to boxers, promoters, and fans alike.

Sincerely,



Bill Sheffield
Governor

Revision Date: _____

REQUEST
 EXECUTIVE
 Bill/Resolution No.: ORDER NO. 60
 Title: Transfer of the Athletic Commission
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL
 Agency Affected: Commerce & Economic Dev.
 Program Category Affected: Consumer Protection
 BRU, Program or Subprogram(s) Affected: _____
 Division of Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Funding was added to the Department's FY '86 budget request to operate the Athletic Commission.

Prepared By: Jennifer Strickler, Management Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 1-10-85
 Approved by Commissioner: Loren H. Lounsbury Date: 1/12/85
 Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84

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State Dev. Corp.,
(File No. 285), 376

State Mortgage
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Sys. v. Mueller,
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Quoted in Alaska State Hous. Auth. v. Boucher, Sup. Ct. Op. No. 1205 (File No. 2315), 543 P.2d 731 (1975).
Dixon, Sup. Ct. Op. No. 793 (File No. 1529), 496 P.2d 649 (1972); Warren v.

Section 23. Reorganization. The governor may make changes in the organization of the executive branch or in the assignment of functions among its units which he considers necessary for efficient administration. Where these changes require the force of law, they shall be set forth in executive orders. The legislature shall have sixty days of a regular session, or a full session if of shorter duration, to disapprove these executive orders. Unless disapproved by resolution concurred in by a majority of the members in joint session, these orders become effective at a date thereafter to be designated by the governor.

The constitution vests no power in the judiciary to define the specific functions of the principal departments in the state government or the units of the executive branch, and in the absence of express authorization or an overriding constitutional imperative, the judiciary may not bequeath such a power to itself. Granato v. Occhipinti, Sup. Ct. Op. No. 1967 (File No. 3756), 602 P.2d 442 (1979).

Thus, superior court cannot order home study by department of health and social services. — The superior court does not have the authority to order the Alaska department of health and social services, division of social services, against its will, to conduct a home-study in a

private custody dispute. Granato v. Occhipinti, Sup. Ct. Op. No. 1962 (File No. 3756), 602 P.2d 442 (1979).

The legislative veto power granted in this section and Alaska Const., art. X, § 12, is the power to change statutes, not rule-making power, which is the power to interpret and implement statutes. State v. A.L.I.V.E. Voluntary, Sup. Ct. Op. No. 2022 (File No. 3670), 606 P.2d 769 (1980).

The creation of the Alaska Mortgage Adjustment Agency was not a change in the organization of the executive branch of government requiring the force of law. Suber v. Alaska State Bond Comm., Sup. Ct. Op. No. 344 (File No. 651), 414 P.2d 546 (1966).

Section 24. Supervision. Each principal department shall be under the supervision of the governor.

Section 25. Department Heads. The head of each principal department shall be a single executive unless otherwise provided by law. He shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and shall serve at the pleasure of the governor, except as otherwise provided in this article with respect to the secretary of state. The heads of all principal departments shall be citizens of the United States.

Revisor's note. — Senate Joint Resolution No. 2, "changing the name of the secretary of state to lieutenant governor" in 16 sections of the Alaska Constitution, approved by the voters August 25, 1970, inadvertently omitted express amendment of this section.

The provisions of this section and § 28 of this article are clear and unambiguous. Bradner v. Hammond,

Sup. Ct. Op. No. 1297 (File No. 2802), 553 P.2d 1 (1976).

This section explicitly empowers the governor to appoint and dismiss the head of each principal department. Bradner v. Hammond, Sup. Ct. Op. No. 1297 (File No. 2802), 553 P.2d 1 (1976).

It subjects these executive appointments to confirmation by a majority of the members of the legislature

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ch. 32, SLA 1971 (HB 111 am), see
ise Journal, p. 138. For report on
LA 1972 (HCSSB 383 am H), see
ise Journal, p. 898.
d in Homer Elec. Ass'n v. City of
up. Ct. Op. No. 390 (File No. 675),
285 (1967).

chief clerk of the house in
the order of its introduction
by the number given to it.
(1961)

become law unless it has
separate days, except that
rd reading on the same day
e considering it. (§ 36 ch 157

Sec. 24.30.090. Vote on passage. No bill may become law without the affirmative vote of a majority of the membership of each house. The yeas and the nays on final passage shall be recorded in the journal. (§ 37 ch 157 SLA 1959)

Sec. 24.30.100. Action upon veto. When the governor vetoes a bill or by veto strikes or reduces an item in an appropriation bill, during a regular session of the legislature, the legislature shall proceed to act in accordance with § 16, art. II, of the state constitution as it is implemented by the rules of the legislature. A bill vetoed after adjournment of the first regular session shall be reconsidered by the legislature sitting as one body no later than the fifth day of the next regular or special session convened during that legislature. Bills vetoed after adjournment of the second regular session shall be reconsidered by the legislature sitting as one body no later than the fifth day of a special session of that legislature, if one is called. (§ 38 ch 157 SLA 1959; am § 2 ch 67 SLA 1975)

Effect of amendment. — The 1975 sentence and added the second and third amendment inserted "during a regular session of the legislature" in the first sentences.

Sec. 24.30.110. Effective date of laws.

Repealed by § 9 ch 126 SLA 1966.

Editor's note. — The repealed section derived from § 39, ch. 157, SLA 1959.

Sec. 24.30.120. Bills carry over. A bill introduced but not receiving final action in the first regular session of a legislature carries over in the same reading or status into the second regular session of the same legislature. (§ 40 ch 157 SLA 1959)

Sec. 24.30.130. Constitutional amendments and executive orders.
(a) The legislature may propose amendments to the state constitution through the adoption of a joint resolution by an affirmative vote of two-thirds of the membership of each house. Resolutions proposing constitutional amendments shall be treated as bills.

(b) An executive order proposing a change in the executive branch and requiring the force of law under § 23, art. III, of the state constitution shall be submitted to the presiding officer of each house on the day the house organizes. The legislature has 60 days of a regular session, or a full session if of shorter duration to disapprove the order. Unless disapproved by a special concurrent resolution introduced in either house, concurred in by a majority of the members in joint session, the order becomes effective at a date thereafter to be designated by the governor. An order submitted to but not disapproved by the legislature shall be published in the bound session laws and any codification of state law. (§ 41 ch 157 SLA 1959; am § 12 ch 47 SLA 1961)

EO 60

Athletic Commission

1	DEPARTMENT OF LABOR (CONT.)		APPROPRIATION	APPROPRIATION FUND SOURCES
2			ITEMS	GENERAL FUND OTHER FUNDS
3		ALLOCATIONS		
4	MECHANICAL INSPECTION	1,517,200		
5	UNEMPLOYMENT INSURANCE INVESTIGATION	584,100		
6	RAILROAD SAFETY SURVEY	152,000		
7	X X X X X X		X X X X X X	
8	X X X X X DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT		X X X X X X	
9	X X X X X X		X X X X X X	
10	PUBLIC PROTECTION			
11	MEASUREMENT STANDARDS		2,196,600	2,196,600
12	OPERATIONS	2,188,700		
13	DATA AND WORD PROCESSING	7,900		
14	BANKING SECURITIES & CORPORATIONS		1,414,100	1,299,100 115,000
15	FINANCIAL INSTITUTIONS	1,090,800		
16	CORPORATIONS	302,900		
17	DATA AND WORD PROCESSING	20,400		
18	INSURANCE		1,131,500	1,131,500
19	OPERATIONS	1,125,300		
20	DATA AND WORD PROCESSING	6,200		
21	OCCUPATIONAL LICENSING		2,010,900	2,010,900
22	ADMINISTRATION	1,197,800		
23	LICENSING BOARDS	161,000		
24	INVESTIGATIONS	638,800		
25	DATA AND WORD PROCESSING	13,300		
26	COMMISSIONER & ADMINISTRATIVE SERVICES		1,791,100	1,763,600 27,500

FY 86 Governor's Budget

BRU - Occupational Licensing
Comp - Administration

	GF	Other	Total
FY 86 Adjusted Base	1019.7	-0-	1019.7
Personal Services Shortfall	15.0	-0-	1034.9
Inflation	10.1	-0-	1045.0
Dental Examination Costs	10.0	-0-	1055.0
Licensing Examiner I-Juneau	-0-	-0-	1055.0
Licensing Examiner I-Anchorage(AC.m)	41.5	-0-	1096.5
Clerk III-Juneau	-0-	-0-	1096.5
Licensing Examiner II-Juneau	46.0	-0-	1142.5
Regulations Specialist I	45.3	-0-	1197.8
Land Surveyors Examination Costs	10.0	-0-	1197.8
Component Total	1197.8	-0-	1197.8

Comp - Boards

FY 86 Adjusted Base	95.0	-0-	95.0
Athletic Commission	10.0	-0-	105.0
Board Travel	56.0	-0-	161.0
Component Total	161.0	-0-	161.0

Comp - Investigations

FY 86 Adjusted Base	607.9	-0-	607.9
Personal Services Shortfall	15.6	-0-	623.4
Inflation	15.4	-0-	638.8
Investigator I-Juneau	-0-	-0-	638.8
Clerk-Typist III-Anchorage	-0-	-0-	638.8
Component Total	638.8	-0-	638.8

Comp - Data Processing

FY 86 Adjusted Base	13.3	-0-	13.3
WANG Daisy Printer	-0-	-0-	13.3
WANG Personal Computers	-0-	-0-	13.3
Component Total	13.3	-0-	13.3

BRU Total

BRU Total	2010.9	-0-	2010.9
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06-08-04-02-00 (08-53-5-07-01-00)

STATE OF ALASKA -- COMPONENT BUDGET SUMMARY

09:29

11/21/84

AGENCY: DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
CATEGORY: PUBLIC PROTECTIONPROGRAM: OCCUPATIONAL LICENSING
SUB-PROGRAM: ADMINISTRATION

EXPENDITURES & FUNDING	FISCAL YEAR 1985												
	(18) FY83 ACT	(01) FY84 ACT	(02) FY85 ATH	(03) ADJ BASE	(04) FORMULA	(05) INCRMNT	(06) REQUEST	(08) GOVERNOR	(09) HOUSE	(10) SENATE	(11) C. C.	(12) BILLS	(13) LEG.FE.
01 PERS. SERV.	627.6	692.7	658.2	723.5		180.3	903.8	844.0					
02 TRAVEL	19.0	11.4	14.8	14.8		2.0	16.8	16.8					
03 CONTRACTUAL	244.7	248.9	358.4	273.4		60.1	333.5	317.6					
04 COMMODITIES	10.1	14.0	8.2	8.2		3.8	12.0	11.0					
05 EQUIPMENT	3.9	2.6				13.0	13.0	8.4					
06 LANDS/BLDGS													
07 GRANTS, CLMS													
08 MISC.													
** TOTAL EXPEND	905.3	969.6	1039.6	1019.9		259.2	1279.1	1197.8					
09 I-A TRANSFER	38.5	56.3	10.0	9.6		1.5	11.1	11.1					
1004 GEN FUND	905.3	969.6	1039.6	1019.9		259.2	1279.1	1197.8					
15 FULL TIME	18.0	19.0	19.0	19.0		5.0	24.0	22.0					
16 PART TIME													
17 TEMPORARY													
18 STAFF MONTHS		228.0	228.0	228.0		60.0	288.0	264.0					

11

06-08-04-02-00 (08-53-5-07-01-00)

STATE OF ALASKA -- COMPONENT BUDGET ANALYSIS

09:29

12/21/84

AGENCY: DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
CATEGORY: PUBLIC PROTECTIONPROGRAM: OCCUPATIONAL LICENSING
SUB-PROGRAM: ADMINISTRATION

NEW POSITIONS...

T I T L E	LOCATION	TYP	C O S T	F U N D I N G	REQ	GV	HS	SN	CC	FN
1 OCC LIC EXAM II	JUNEAU	F	01 PERS. SERV. 37.3 03 CONTRACTUAL 5.9 04 COMMODITIES 0.6 05 EQUIPMENT 2.2 POS'H COST 46.0	1004 GEN FUND 46.0	1	1	0	0	0	
2 REGULATIONS SPEC I	ANCHORAGE	F	01 PERS. SERV. 35.1 02 TRAVEL 0.8 03 CONTRACTUAL 5.3 04 COMMODITIES 0.6 05 EQUIPMENT 2.9 POS'H COST 44.7	1004 GEN FUND 44.7	1	1	0	0	0	
3 CLERK III	JUNEAU	F	01 PERS. SERV. 26.7 03 CONTRACTUAL 4.0 05 EQUIPMENT 1.0 POS'H COST 31.7	1004 GEN FUND 31.7	1	0	0	0	0	
4 OCC LIC EXAM I	ANCHORAGE	F	01 PERS. SERV. 33.1 03 CONTRACTUAL 4.1 04 COMMODITIES 1.0 05 EQUIPMENT 3.3 POS'H COST 41.5	1004 GEN FUND 41.5	1	1	0	0	0	
5 OCC LIC EXAM I	JUNEAU	F	01 PERS. SERV. 33.1 03 CONTRACTUAL 4.1 04 COMMODITIES 1.0 05 EQUIPMENT 3.6 POS'H COST 41.8	1004 GEN FUND 41.8	1	0	0	0	0	
** NEW POSITION TOTALS			** TOTAL COST 205.7		5	3	0	0	0	

***** GOVERNOR ANALYSIS *****

OBJECT GROUP	VARIATION	DESCRIPTION: GOVERNOR (\$1,197.8) VERSUS FY85 ATH (\$1,039.6)
01 PERS. SERV.	185.8 28.2%	PERSONAL SERVICE ADJUSTMENT \$45.3, TRANSFER FROM INVESTIGATIONS COMPONENT \$20.0, REDUCE PERSONAL SERVICES UNDERFUNDING \$15.0, ADD THREE FULL-TIME POSITIONS, A LICENSING EXAMINER II, A LICENSING EXAMINER I, AND A REGULATIONS SPECIALIST I, \$105.5.
02 TRAVEL	2.0 13.5%	MAINTENANCE OF IN-STATE TRAVEL TO ATTEND BOARD MEETINGS AND ADMINISTER EXAMS \$1.2, TRAVEL FOR NEW POSITIONS \$0.8.
03 CONTRACTUAL	-40.8 -11.4%	ONE-TIME ITEM (\$85.0), CONTRACTUAL SERVICE MAINTENANCE \$8.3, CONTRACTUAL FOR NEW POSITIONS \$15.4, ADD \$10.0 DUE TO INCREASED DENTAL EXAMINATION COSTS, ADD \$10.0 FOR THE DEVELOPMENT OF A LAND SURVEYORS EXAMINATION.
04 COMMODITIES	2.8 34.1%	MAINTAIN OFFICE AND LIBRARY SUPPLIES \$0.6, SUPPLIES FOR NEW POSITIONS \$2.2.
05 EQUIPMENT	8.4 100.0%	EQUIPMENT FOR NEW POSITIONS \$8.4.
** TOTALS	158.2 15.2%	

06-08-04-03-00 (08-53-5-07-02-00)

STATE OF ALASKA -- COMPONENT BUDGET SUMMARY

09:79

12/21/84

AGENCY: DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
CATEGORY: PUBLIC PROTECTIONPROGRAM: OCCUPATIONAL LICENSING
SUB-PROGRAM: LICENSING BOARDS

EXPENDITURES & FUNDING	FISCAL YEAR 1985												
	(18) FY83 ACT	(01) FY84 ACT	(02) FY85 ATH	(03) ADJ BASE	(04) FORMULA	(05) INCREMNT	(06) REQUEST	(08) GOVERNOR	(09) HOUSE	(10) SENATE	(11) C. C.	(12) BILLS	(13) LEG.REC.
01 PERS. SERV.													
02 TRAVEL	157.7	150.9	95.0	95.0		56.0	151.0	161.0					
03 CONTRACTUAL													
04 COMMODITIES													
05 EQUIPMENT													
06 LANDS/BLDGS													
07 GRANTS, CLMS													
08 MISC.													
** TOTAL EXPEND	158.3	150.9	95.0	95.0		56.0	151.0	161.0					
09 I-A TRANSFER													
1004 GEN FUND	158.3	150.9	95.0	95.0		56.0	151.0	161.0					
15 FULL TIME													
16 PART TIME													
17 TEMPORARY													
18 STAFF MONTHS													

06-08-04-03-00 (08-53-5-07-02-00)

STATE OF ALASKA -- COMPONENT BUDGET ANALYSIS

09:29

12/21/84

AGENCY: DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
CATEGORY: PUBLIC PROTECTION

PROGRAM: OCCUPATIONAL LICENSING
SUB-PROGRAM: LICENSING BOARDS

***** GOVERNOR ANALYSIS *****

OBJECT GROUP	VARIATION		DESCRIPTION: GOVERNOR (\$161.0) VERSUS FY85 ATH (\$95.0)
02 TRAVEL	66.0	69.5%	RESTORE BOARD TRAVEL TO THE FY84 ACTUAL LEVEL \$36.0, ADDITIO. OR ATHLETIC COMMISSION TRAVEL \$10.0.
** TOTALS	66.0	69.5%	

A REPORT ON THE
OFFICE OF THE GOVERNOR
STATE ATHLETIC COMMISSION

For the Period July 1, 1975 - April 30, 1983

Audit Control Number
01-4168-83-S

Governor, State of Alaska

Bill Sheffield

Lt. Governor, State of Alaska

Stephen McAlpine

Commissioner, Department of
Commerce and Economic Development

Richard A. Lyon

State Athletic Commission

Joe Armstrong, Chairman
Don Dennis
Dr. Jay Caldwell

Reginald L. Joule
Sam Taguchi

STATE OF ALASKA

AUDIT DIVISION
POUCH W
JUNEAU, ALASKA 99811

THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

June 20, 1983

Members of the
Legislative Budget and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes and your special request, the attached report is submitted for your review.

A REPORT ON THE
OFFICE OF THE GOVERNOR
STATE ATHLETIC COMMISSION

For the Period July 1, 1975 - April 30, 1983



Gerald L. Wilkerson, CPA
Legislative Auditor
Division of Legislative Audit

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PURPOSE OF THE REPORT

In accordance with a Legislative Budget and Audit Committee request and Title 24 of the Alaska Statutes, this special report has been prepared to document and evaluate the activities of the State Athletic Commission for the period July 1, 1975 through April 30, 1983.

Statutorily, the State Athletic Commission should have a role in a myriad of sporting and athletic events (see discussion of statutes and the Commission's role in the Organization and Function section of this report). However, the Commission role is best defined and most visible in its regulatory responsibility over combative sports - primarily boxing. As a result, the primary focus of this report is the past and current roles that the Commission has played in the regulation of boxing in the State of Alaska. In addition, we examined the prospective status of boxing in the State and discuss possible alternatives of the nature and extent of the Athletic Commission in regulating the sport.

PURPOSE OF THE REPORT

In accordance with a Legislative Budget and Audit Committee request and Title 24 of the Alaska Statutes, this special report has been prepared to document and evaluate the activities of the State Athletic Commission for the period July 1, 1975 through April 30, 1983.

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ORGANIZATION AND FUNCTION

The State Athletic Commission (SAC) was created by the first State Legislature in 1959. The Commission is made up of five members, all appointed by the Governor. The statutes require that there be an appointee from each of the four major Senate districts described in Article XIV of the State Constitution. The four appointees serve overlapping two-year terms. The fifth member, designated as the State Commissioner of Athletics is appointed by the Governor for a five-year term. The Commissioner of Athletics serves as chairman of the State Athletic Commission.

AS 05.05.020(b) allows the Commissioner of Athletics, "with the aid and counsel of the Commission" broad discretionary powers over athletics in the State. The Commissioner may adopt regulations, with the force and effect of law, to govern athletics, athletic programs, and events as he considers necessary.

SAC has extensive statutory rights and duties concerning the regulation of combative sports in the State, such as boxing and wrestling. The Commission has authority to license boxers, wrestlers, referees, trainers, event judges, seconds, and attending physicians. It also has authority to certify and license promoters of events, and may require the posting of adequate performance bonds. The statutes give SAC the authority to select the referee for combative sports events.

In past years the legislature, in conjunction with the Governor, have used the State Athletic Commission as a vehicle for directing State funds to special athletic events. In FY'75 the Arctic Winter Games received \$15,000 in support from the Commission. In FY'76 the Games received \$90,000 in funding support and the Special Olympics was appropriated \$27,000 through the auspices of SAC.

(Intentionally left blank)

HISTORICAL BACKGROUND

For the period that we conducted our review, (1975-1983) we found that the State Athletic Commission (SAC) has not operated as a body in fulfilling its function to oversee athletics and athletic programs. The primary reason the Commission has been inactive is that it has received no appropriations for operations since FY'77. As a result, the Commission has met irregularly over the past five years and has done little work developing regulations and procedures, especially in the area of boxing regulation, its primary statutory responsibility.

Rudimentary oversight of combative sports, essentially boxing, has been provided through the efforts of individual Commissioners acting independently. In fact, members have acted so independently that their files and records of their activity are much more comprehensive than any of those retained by the State. There are no uniform procedures governing Commissioner activities. What an individual Commissioner does and how he does it is left to his own discretion.

We could find no State record of issued licenses, sanctioned fights, evidence of promoter's performance bonding, or other requirements of SAC under their statutes, for the period that it was administered by the Office of the Governor. Revenues generated by boxer, promoter, referee, etc. licenses were not accounted for by the State. Administrative expenses for SAC operations were borne individually by Commissioners or were offset with the collection of the aforementioned, unreported receipts (see Recommendation No. 2 for further discussion of this lack of control over receipts and expenditures).

The history and current status of the State Athletic Commission is further clouded by the countermandate of the statutes and former Governor Hammond's memorandum of July 30, 1980. The statutes assign administrative responsibility for the Commission to the Office of the Governor. The July 30, 1980 memorandum of Governor Hammond assigned administrative responsibility for the Commission to the Department of Commerce and Economic Development's Division of Occupational Licensing (DOL). Once DOL assumed authority, they began issuing licenses to promoters, boxers, trainers, etc. as specified in AS 05.10.120.

However, the DOL's authority to do this is unclear. There have been no regulations promulgated setting forth criteria for licensing, and it appears that the authority to license may rest solely with the Commission. Indeed, Governor Hammond's memorandum states "...official transfer cannot be made without legislative approval." Legislative

ratification of the transfer had not yet been made as of the date of this report.

There are currently no licensing requirements other than a completed application, a license fee, and for a promoter, the posting of a performance bond. However, under present conditions, if a Commissioner denies an applicant a license, the applicant could circumvent the Commission and apply directly to DOL. It is difficult to ascertain what regulatory purpose the current licensing procedures serve. License fees are essentially a tax on participants of boxing.

The Alaska statutes also require boxing promoters to submit to the State pre and post-fight reports. Reports include such things as the names of boxers involved in the event, results of matches, and ticket revenue received. We were able to locate only two such reports in our examination of DOL's records and none in our search of the Office of the Governor's files.

In summary, the history of the State Athletic Commission has been one of neglect on the part of the Executive Branch. It is amazing that the Commission accomplished as much supervision and regulation as it has. The situation, as it has been allowed to exist, is fraught with potential for abuse. Indeed, we have identified one situation where license fees were not remitted to the State, largely due to neglect on the part of the Office of the Governor.

CURRENT AND PROSPECTIVE STATUS OF BOXING IN ALASKA

Currently, the only combative sporting event which is being held on a regular basis is what is termed "rough house" boxing. At the time of field work for this report rough house boxing cards were being held weekly in Anchorage at two different locations, weekly in the spring and summer in Fairbanks, and bi-weekly in Kenai. It appears that the revenue generated from these events is limited. One promoter told us that he typically grosses \$1,000 in receipts on a given evening and incurs expenses in the range of \$750 to \$800.

Rough house boxing has been likened to the club fights of the 1940s and 1950s by its proponents. They claim that "rough house" provides an opportunity for individuals to learn and practice boxing on a regular basis and improve their skills and expertise.

Detractors claim that rough house boxing is little more than organized brawling. Generally, untrained individuals, mostly men, come weekly to a bar or saloon where the events are held. They sign up to fight that night and are ostensibly matched with an opponent along the lines of skill, weight, and experience. Winners of fights are awarded nominal purses, generally less than \$100.

Critics we interviewed in the course of our audit feared for the safety of the participants and reported what they felt were abuses or dangerous practices that go on at rough house events. Cited abuses and concerns expressed include the following:

1. No follow-up of knocked out boxers. - One interviewee said that he had seen a boxer who had been knocked out at one rough house event, return within a week to fight at another location. Standard procedure in other states is not to allow a boxer who has been knocked out to fight for at least 30 days in order to reduce the possibility of serious head injury.
2. Mismatches. - An interviewee reported he had seen matches between savvy veteran boxers and inexperienced street fighters. He and others also told us there were often weight differentials of up to 25 lbs. between opponents. Such a difference between heavyweights is considered insignificant but between boxers in the middle range weight classes such a difference is substantial.
3. Lack of adequate medical attention. - Critics claim that there are not adequate medical precautions taken and that ringside paramedics are not sufficiently trained to insure the safety of participants in the event of an emergency.

Other criticisms leveled at rough house boxing include the excessive cigarette smoking present in the barroom setting, disregard of the loss of protective mouthpieces, and inexperienced referees.

In Fairbanks, the SAC Commissioner said that in the past he or his designee have attended rough house fights, but he did not really believe this was a function of SAC. He felt the SAC presence at the events kept the promoters from taking too many "shortcuts" and served to make the event safer for the participants. However, he indicated that he would probably reduce even this limited role in the future.

In Anchorage, where the greatest amount of the State's boxing activity occurs, the Athletic Commissioner responsible for that area does not attempt to regulate rough house boxing. As a result, he limits his activities to the monitoring of the infrequently occurring "big event" matches.

In recent years, there have been few "big event" matches which feature quality boxers and are usually held in an Anchorage area sports arena. Attempts by several promoters to hold these events in Anchorage on a more regular basis have been limited due to the lack of profitability.

It is possible that the new George M. Sullivan Sports Arena in Anchorage will result in a greater number of "big-name" events. However, many of the people whom we talked to that are knowledgeable about Alaskan boxing, expressed doubts about Alaska ever being able to profitably support "big event" matches. They feel that the small population and the remoteness of the State will always make "big event" boxing infeasible.

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The Office of the Governor and the Department of Commerce and Economic Development, in conjunction with the Department of Law, should clarify both the legal status of the State Athletic Commission and the extent of its jurisdiction.

The current legal status of the State Athletic Commission (SAC) and the manner in which it is operated by the State is unclear. The statutes that created SAC and its responsibilities have been rendered meaningless by the Governor's transfer of administrative responsibility and the lack of funding for operations or meetings. Questions and issues of legality that result from this collection of circumstances were identified by the Director of Occupational Licensing in a request for opinion from the Attorney General dated August 19, 1982. The questions asked of the Attorney General in that request are as follows:

1. Does the function of licensing continue without the Legislature providing the funding?(1)
2. Is it legal and in compliance with [law] for [the Division of Occupational Licensing] to issue licenses without a commission to function because of lack of funding?
3. Does the lack of funding dissolve the commission and thereby terminate the required license?
4. Can resources of [the Division of Occupational Licensing] legally be used for the licensing of applicants or would the position of using resources (i.e., personnel, equipment, mail, telephone, etc.) budgeted for other functions be in error?

As of the date of this report, these questions have remained unanswered. We believe that the interpretation of these questions are crucial to the proper administrative functioning of SAC. In addition, the Department of Commerce and Economic Development should seek clarification of the jurisdiction and responsibilities of SAC as they pertain to the current primary boxing activity in the State.

(1) In Executive Budget documents for FY's 1977 - 1980 the Office of the Governor requested no funding for SAC administration. In FY'81 some activity was carried out using funds from the Governor's Contingency Fund. In FY'82 DOL requested \$10,000 for meeting and travel costs but the request was deleted in Free Conference Committee deliberations. No request for funding was made in FY'83.

As described in the Current Status of Boxing Section, there is a great deal of boxing activity being conducted that can be generically described as "rough house". Generally, untrained individuals are matched together in events for nominal prize money ranging from \$20 to \$200. Admission is charged and the events are generally held in bars or saloons. Under strict definition, the participants in these matches are professional. The Attorney General's office has indicated to us that these and other circumstances surrounding these events could be interpreted as to put them under the current statutorily prescribed jurisdiction of SAC (AS 05.10.010-.030).

None of the promoters of these events have a current valid promoter license as required by AS 05.10.070. Only the more experienced and accomplished of the participants have licenses as required under AS 05.10.120. The Commission has not exercised any authority over referees as required by AS 05.10.120(e). In short, under our understanding of the statute and based on discussions with the Attorney General's office, these rough house events in the State are not in compliance with the letter of the law.

An April 21, 1983 memorandum (see Appendix J) from the Attorney General's Office states that there is "definite liability exposure in the existing [State Athletic Commission] statutory scheme..." The memorandum goes on to say that the State can be held liable for breach of duties owed to persons who are injured by such breach. The State's neglect in not effectively regulating "rough house" events may be interpreted as breach.

In short term, we believe it is in the best interests of the State to develop a legally defensible policy and approach towards the regulation of combative sports under the current statute. The lack of a clear, legally sound approach to regulation has the potential for abuse by unscrupulous promoters, and may place the State in legal jeopardy. We recommend the Department of Law consider the issues raised by Director of Occupational Licensing's inquiries and those discussed above in order to advise and act to protect the interests of the State.

Recommendation No. 2

The Governor, upon considering the State's responsibility for the welfare and protection of the participants and spectators of combative sports, should develop proposed legislation to do one of the following:

- a. Introduce legislation to more clearly define the nature and extent of the SAC's responsibilities and fund it accordingly.

- b. Introduce legislation to abolish SAC and repeal its statutes.
- c. Request funding for the current SAC in order that it can adopt and enforce regulations to more effectively regulate combative sports.

As recounted and discussed in prior parts of this report, SAC historically has not been supervised nor administered in a very professional manner by the Office of the Governor. Evidence of neglect is provided by the following:

1. Lack of supervision of receipts and expenses. - The Office of the Governor provided no guidance to individual commissioners on how to remit receipts to the State or account for expenses. One commissioner related to us that he collected license fees as required by statute and retained them to offset the expense of his SAC duties. He made no attempt to submit to the State an accounting for his receipts or expenses.
2. No requesting of funding. - In the Executive Budgets for FY's 1978-1980, the Governor requested no funding for SAC to carry out its statutory responsibilities.
3. Lack of general guidance. - Commission members we spoke to said that the Office of the Governor often talked about developing a more active commission but there was little active commitment.
4. Duplicate appointments. - On at least two occasions the Office of the Governor had to retract appointments because the subsequent composition of the commission did not comply with statutes.

Since assuming administrative responsibility for SAC, the Division of Occupational Licensing (DOL) has taken steps to improve fiscal controls over SAC. In addition, DOL has requested funding for travel and meetings in FY'82, but had the request denied in the Free Conference Committee. However, steps should be taken to clarify the legal status of SAC in both the short (essentially as discussed in Recommendation No. 1) and long run (which involves issues discussed in this Recommendation).

In the following pages we discuss issues and alternatives involved with the contemplation of changing SAC's role. The course of action selected turns on arguments of the State's role in regulatory matters, and an assessment of potential legal liability to the State. Our discussion of issues and alternatives are as follows:

- a. Introduce legislation to more clearly define the nature and extent of the SAC's responsibilities and fund it accordingly.

As stated in the Historical Background Section of this report, the statutes that set forth the duties and responsibilities were adopted almost 25 years ago. The statutes have changed little and were in all likelihood developed with no contemplation of rough house boxing or telecommunication television coverage and the larger prize purses involved with current day "big event" boxing.

Development of new statutes would force debate and reconsideration of the State's policy towards all forms of combative sport regulation given the new circumstances that surround the competition in modern Alaska. The proposed statutes could speak directly to rough house boxing, including or excluding the sport from SAC jurisdiction.

Consideration may be given to the recommendation of the American Medical Association's (AMA) Council on Scientific Affairs, when contemplating new legislation. In the January 14, 1983, issue of the Journal of the American Medical Association the Council recommended to the AMA that it implement the following measures:

1. Inform State legislatures that unsupervised boxing competition between unlicensed boxers in "tough man" contests is a most dangerous practice that may result in injury or death to contestants, and should be condemned.
2. Urge State and local boxing commissions to mandate the use of safety equipment, such as plastic safety mats and padded corner posts, and encourage continued development of safety equipment.
3. Urge State and local boxing commissions to upgrade, standardize, and strictly enforce medical evaluations for boxers.

It is these recommendations and issues that are pertinent to the debate of the proper role of the State in the regulation and supervision of boxing. The Governor, in conjunction with the Legislature, should consider these issues in the current context of professional boxing as it is being conducted in the State, when determining if new statutes are needed. The outcome of the debate may result in the choice of another option, (see the following discussions) but the future regulatory role of the State should be considered.

b. Introduce legislation to abolish SAC and repeal its statutes.

Boxing is regulated by State or local boxing commissions established under law in forty-six states, five territories, and the District of Columbia. However, the states of Georgia, Oklahoma, South Carolina, and Wyoming have no boxing statutes. Alaska may want to consider joining those states in electing not to have statutory regulation of boxing.

An alternative to boxing regulation by a centralized state affiliated SAC is advanced by the Alaska Boxing Association (ABA). ABA proponents advocate their non-profit corporation made up licensed boxers, judges, referees, managers, trainers, promoters, and time-keepers would be the chief oversight group and regulator of boxing in the State. The DOL would still serve as recordkeeper and issuer of licenses but would do so under the guidelines and rules established by the ABA. As envisioned by advocates, the working relationship between DOL and ABA would be similar to that the Division maintains with other professional licensing boards in medical, dental, and accounting professions.

Critics of this regulatory model claim that it would not be independent enough to protect the interests of the participants and the State. They feel that promoters would have too much influence over the rules set by such a body. They feel an independently appointed board which is knowledgeable of, but not financially involved with, the sport of boxing would better serve the interests of the State.

Abolishing the boxing statutes may also reduce the State's liability for not regulating events as stated in statutes. As discussed, current statutes suggest more regulative responsibility than is actually taking place. Elimination of boxing statutes and SAC would bring reality and the statutes closer together. It would also eliminate the obligation for funding required by the other two options.

c. Request funding for the current SAC in order that it can adopt and enforce regulations to more effectively regulate combative sports.

As stated in the Historical Background Section of this report, SAC as a group, has done virtually nothing over the last eight years. They have had few meetings, sketchy agendas, and proposals have never really advanced beyond the preliminary discussion stages. The Commission's inactivity as a body can be attributed almost entirely to a lack of appropriations over the past six fiscal years.

The Governor, after the recommended consideration, may feel that the current regulatory apparatus is adequate to protect the interest of the State. By funding that apparatus, with adequate appropriations for travel and meetings the SAC may begin acting in the regulatory role envisioned by the original statutes. Regulations establishing criteria for licenses may be adopted. Procedures for the supervision of combative sports events may be made uniform for all commissioners. Better system for monitoring the health of participants may be implemented. The current statutes are broad enough to allow all these activities, but lack of recent funding commitment has rendered them inoperative.

Summarizing Remarks and Conclusion .

When considering the State's prospective role in regulating boxing, the following should be considered:

1. Even if rough house boxing is to be considered a part of the State's regulatory jurisdiction, the total boxing activity in Alaska would at most be described as light. If the rough house variety of boxing is excluded from the Commission's jurisdiction, then professional boxing activity in the State would be minimal. In either case, the Governor, and/or the Legislature should be wary of devoting an undue amount of resources to regulating boxing.
2. To best regulate boxing, a commissioner should have a thorough understanding of the sport. Many of those involved in Alaskan boxing feel that past commissioners lacked this expertise.
3. Participant safety could be jeopardized if rough house boxing events were to be run by unscrupulous promoters. If a fatality or severe accident were to occur as a result, the reputation of boxing in Alaska, as a whole, would suffer. While many people involved with boxing would like to see some safety regulations imposed on these events, most do not want to see rough house boxing eliminated. These observers fear that excessive regulation would put an end to the rough house sport.

In summary, it is time to re-examine what has become an uncoordinated regulatory effort. A determination needs to be made what role, if any, the State should play in monitoring and licensing participants in combative sports. We feel that there should be some change in the current status where the SAC is implicitly regulating boxing by statute, but actually it is providing only rudimentary, unstructured supervision.

NOTE ON APPENDIXES

As discussed in the report, the State has only recently begun to keep some records regarding licensure by the State Athletic Commission (SAC). As a result, in order to compile Appendixes A-E we had to consult sources outside of State records for the time prior to July, 1980.

Appendix A was compiled through a review of Anchorage and Juneau newspapers carrying reports of events. We then attempted to confirm if these events were sanctioned by SAC by consulting individual Commissioner records. If confirmation was provided by the records we indicate such with a "Yes" in the Sanction Designation column of Appendix A. If sanction status was not confirmed by a review of the available records we indicate the lack of verification in the same column.

For Appendixes B-E information for the earlier years is drawn from those participating in all sanctioned events. Records were not detailed enough to see a complete listing of all issued licenses, but we were verbally assured that all participants in sanctioned events were appropriately licensed. Thus, we use the term "circa" to indicate the approximate time that the listed individuals participated in sanctioned events and were reportedly licensed by SAC.

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APPENDIXES

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APPENDIX A

STATE OF ALASKA
OFFICE OF THE GOVERNOR
STATE ATHLETIC COMMISSION
PROFESSIONAL BOXING EVENTS, DATES, LOCATIONS, AND PARTICIPANTS
July 2, 1975 - April 30, 1983

<u>Date of Event</u>	<u>Location</u>	<u>Contestants on the Event Card</u>	<u>Weight Class</u>	<u>Promoter</u>	<u>Sanction Destination</u>
July 2, 1975	Anchorage Sports Arena	Gary "Hobo" Wiler v. Ibar Arrington Mike Kettleson v. Jesse James Toro Bob Patterson v. Eddie Ostavich Billy Corbett v. Beau Jackson (1)	Heavyweight Middleweight Lightweight Unknown	Unknown	Unable to Verify (2)
February 2, 1977	Anchorage Sports Arena	Jerry Quarry v. Mike Quarry Ibar Arrington v. "Big" Bill Jackson Joe "King" Roman v. James "Slugger" Anthony Bruce "K.O." Hannon v. Bob Patterson Jo Thomas v. Betty Rogers	Heavyweight Heavyweight Heavyweight Heavyweight Unknown	Global Productions Joe Williams	Yes
March 23, 1977	Anchorage Sports Arena	Ron Bailey v. Jeff Lopez Al Banks v. Dale Grant Mike Quarry v. Fred "Cookie" Wallace Bob Patterson v. Bruce "K.O." Hannon Ernie Smith v. Joe "King" Roman	Heavyweight Heavyweight Light/Heavyweight Heavyweight Heavyweight	Global Productions Joe Williams	Yes
May 25, 1977	Anchorage Sports Arena	Tony Gardner v. "Sugar" Ray Seales Terry Daniels v. Joe "King" Roman Dale Grant v. Fred "Cookie" Wallace Lee Black v. Bruce "K.O." Hannon	Middleweight Heavyweight Light/Heavyweight Heavyweight	Global Productions Joe Williams	Yes
June 29, 1977	Anchorage Sports Arena	Vincent Medina v. "Sugar" Ray Seales Dale Grant v. Bobby Rascon Bruce "K.O." Hannon v. Mike Kolivosky Ronnie Bailey v. Les Vegas	Middleweight Light/Heavyweight Heavyweight Middleweight	Global Productions Joe Williams	Yes
July 8, 1977	Centennial Building Sitka, Alaska	Ronnie Bailey v. Wellington Grant Dave Brown v. Russ Dailey J.J. Johnson v. Jeff Lopez James Johnson v. Gary "Hobo" Wiler	Jr. Middleweight Light/Heavyweight Welterweight Heavyweight	H & B, Incorporated Anchorage, Alaska	Yes
August 10, 1977	Anchorage Sports Arena	Bruce "K.O." Hannon v. Mike Kolivosky Rich Peterson v. Eugene "Windmill" White Dave Brown v. Russ Dailey	Heavyweight Jr. Middleweight Light Heavyweight	H & B, Incorporated Anchorage, Alaska	Yes
September 13, 1977	Anchorage Sports Arena	Bruce "K.O." Hannon v. John Balla Mike Weaver v. David Martinez Ronnie Bailey v. J.J. Johnson Victor Van Fleet v. Travis Pickering Dave Brown v. Randy Bailey James Johnson v. Mike Kolivosky	Heavyweight Heavyweight Welterweight Heavyweight Heavyweight Heavyweight	Big H. Productions Anchorage, Alaska	Yes
October 5, 1977	Anchorage Sports Arena	Jose Peterson v. Tony Dowling Bob Patterson v. Victor Van Fleet Buff Gilliam v. Ron "Schoolboy" Bail. v Russ Dailey v. Mike Kettleson	Welterweight Heavyweight Jr. Middleweight Light/Heavyweight	Big "H" Productions Bob Haag	Yes
November 9, 1977	Anchorage Sports Arena	Jose Peterson v. "Irish Paddy" Wilson Bruce "K.O." Hannon v. Stan Johnson Ronnie J.J. Johnson v. Eddie Rogers Tony Lear v. "Speedy" Ruth Maynard Infa Jee v. Travis "Plowboy" Pickering	Welterweight Heavyweight Welterweight Unknown Heavyweight	Big "H" Productions Bob Haag	Yes
January 18, 1978	Anchorage Sports Arena	Mike Stuart v. Raul Pacheco Freddie Washington v. Hector Fernandez Paul Murray v. Victor Van Fleet Ronnie Bailey v. Jesse James Castlebury	Flyweight Middleweight Heavyweight Welterweight	Grizzly Promotions Tom Gravelly	Yes
February 22, 1978	Anchorage Sports Arena	Monroe Brooks v. Rafael "Apollo" Lopez Russ Dailey v. Harry Ochs Al Newman v. Vic Van Fleet Franco Thomas v. Travis Pickering (3) Franco Thomas v. Bruce "K.O." Hannon (3)	Welterweight Light/Heavyweight Heavyweight Heavyweight Heavyweight	Grizzly Promotions Tom Gravelly	Yes

(1) Exhibition match between boxer Beau Jackson and karate expert Billy Corbett.

(2) Unable to determine whether the match was sanctioned by the State Athletic Commission.

(3) Franco Thomas fought both Travis Pickering and Bruce "K.O." Hannon in two six round matches.

Source of Information: Anchorage Times, Juneau Empire, past State Athletic Commission member Junior Ramos' records, and State records.

<u>Date of Event</u>	<u>Location</u>	<u>Contestants on the Event Card</u>	<u>Weight Class</u>	<u>Promoter</u>	<u>Designation</u>
March 15, 1978	Anchorage Sports Arena	Michael Stuart v. Santos Nunez Balthazar Telon Delgado v. Ramon Aguinaza Ronnie Bailey v. Kraig Porteur Franco Thomas v. Al Newman J.J. Johnson v. Bruce "K.O." Hannon	Flyweight Bantamweight Middleweight Heavyweight Heavyweight	Grizzly Promotions Tom Gravelly	Yes
April 12, 1978	Anchorage Sports Arena	Howard Jackson v. Anthony Daniels Franco Thomas v. Vic Van Fleet Travis Pickering v. J.J. Johnson Mark Junior v. Johnie Johnson	Welterweight Heavyweight Heavyweight Light/Heavyweight	Grizzly Promotions Tom Gravelly	Unable to Verify (2)
June 14, 1978	Anchorage Sports Arena	Nandu Lugo v. Howard Jackson J.J. Johnson v. Russ Dailey Froma Leota v. Mark Junior Willy Baldwin v. Rocky Torres	Welterweight Light/Heavyweight Light/Heavyweight Light/Heavyweight	Grizzly Promotions Tom Gravelly	Unable to Verify (2)
June 7, 1979	Olympic Boxing Club Anchorage	J.J. Johnson v. Arnold Sam Travis Pickering v. Lew Lockwood Maurice Rice v. Mustafa Alani Bruce Hannon v. Lincoln Enytojowo	Heavyweight Heavyweight Heavyweight Heavyweight	Olympic Boxing Club Rudy Medina	Unable to Verify (2)
July 26, 1979	Olympic Boxing Club Anchorage	Gerry Pittman v. Jesse James Castleburry Scotty Welsh v. Wayne Bobick George Jerome v. Nate Stewart	Welterweight Heavyweight Heavyweight	Olympic Boxing Club Rudy Medina	Unable to Verify (2)
July 19, 1980	National Guard Armory, Juneau	Jerry Reddick v. Mustafa El Amin Solomon Mongoose v. Vic Lee	Middleweight Welterweight	Juneau Boxing Club Daniel McClinton Mike Kelly	Yes
March 29, 1981	Midnight Express Nightclub, Anch.	Garry Giron v. Lenny Thomas Harold Neveah v. Manny Gonzales Ronny Johnson v. Dave "Yukon Crusher" Rush Jim Patton v. Danny Cotter Tony Stevens v. Jean Rochon	Welterweight Welterweight Unknown Middleweight Unknown	Midnight Express Rudy Medina	Yes
May 8, 1981	Midnight Express Nightclub, Anch.	Garry Giron v. Sultan Saladin J.J. Johnson v. Travis Pickering Zachary Vincent v. Steve Young Jim Patton v. Dino Sik	Middleweight Heavyweight Welterweight Welterweight	Olympic Promotions Rudy Medina	Unable to Verify (2)
September 20, 1981	Ben Boek Arena Anchorage	David Rivisto v. Munfista Muhammad (4) J.J. Johnson v. Tony Samon Phillip Mikes v. Kevin Hardy (4) Dan Cotter v. Jim Patton Richard Mason v. John Chamkunthod Victor Solier v. Vitdhaya Chouvapanyanonta (4)	Heavyweight Light/Heavyweight Middleweight Middleweight Light/Heavyweight Lightweight	Crosby Productions Dan Crosby Steve Rouse	Yes
February 26, 1982	Gussie L'Amours Nightclub, Anch.	Noel Arriegado v. Jimmy Patton Bill McConkey v. Jim Howard Brett Hughes v. Dale Strong Dino Sile v. Johnny Owens Kyle Miller v. Mitch Gulik Curtis Thrasher v. Randy Pointer	Welterweight Unknown Cruiserweight Middleweight Welterweight Lightweight	Big "H" Promotions Bob Haag	Yes
April 16 & 17, 1982	National Guard Armory, Juneau	Noel Arriegado v. Curtis Thrasher Dale Strong v. Brett Hughes	Welterweight Cruiserweight	Big "H" Promotions Alaska Boxing Assoc. Yancey Derringer's	Yes
April 29, 1982	National Guard Armory, Anch.	Al Yuzon v. Johnny Owens Vince Davis v. Jimmy Patton Curtis Thrasher v. Ronnie Johnson Jeff Rush v. Brett Hughes Noel Arriegado v. Jesse James Castleburry	Middleweight Welterweight Welterweight Cruiserweight Welterweight	Big "H" Promotions Bob Haag Bill McConkey	Unable to Verify (2)
February 12, 1982	Buckner Fieldhouse, Fort Richardson, Anchorage	Mickey Goodwin v. Ron Brown Harry Arroyo v. Kelvin Lampkins Brett Hughes v. Dale Strong Curtis Thrasher v. Ronnie Johnson Mike Curnow v. Johnny Owens Darin Wood v. Steve Williams Hector Camacho v. John Montes	Middleweight Middleweight Cruiserweight Lightweight Middleweight Welterweight Jr. Lightweight	Last Front Tear Events Bob Uchitel	Yes

(2) Unable to determine whether the match was sanctioned by the State Athletic Commission.

(4) Kickboxing matches

APPENDIX B

STATE OF ALASKA
OFFICE OF THE GOVERNOR
STATE ATHLETIC COMMISSION
LICENSED BOXERS
Circa 1976-1977 - April 11, 1983

Circa 1976-1977

Anthony, James "Slugger"
Arrington, Ibar
Bailey, Ronnie
Banks, Al
Black, Lee
Daniels, Terry
Gardner, Tony
Grant, Dale
Hannon, Bruce "K.O."
Jackson, "Big" Bill
Kolivosky, Mike
Medina, Vincent
Patterson, Bob
Quarry, Jerry
Quarry, Mike
Rascon, Bobby
Rogers, Betty
Roman, Joe "King"
Seales, "Sugar" Ray
Smith, Ernie
Thomas, Jo
Vegas, Les
Wallace, Fred "Cookie"

Circa 1977-1978

Aquinaza, Roman
Bailey, Randy
Bailey, Ronnie
Balla, Johny
Balthazar, Santos Nunez
Brown, Dave
Brooks, Monroe
Castlebury, Jesse James
Dailey, Russ
Delgado, Telon
Dowling, Tony
Fernandez, Hector
Furvor, Greg
Gilliam, Buff
Grant, Wellington
Hannon, Bruce "K.O."
Jee, Infra

Circa 1977-1978 (cont'd)

Johnson, James
Johnson, Johnie
Johnson, J.J.
Johnson, Ronnie
Johnson, Stan
Kettleson, Mike
Kolivosky, Mike
Lear, Tony
Lopez, Jeff
Lopez, Rafael "Apollo"
Martin, Jack
Martinez, David
Maynard, Speedy
Murray, Paul
Newman, Al
Ochs, Harry
Pachecho, Paul
Patterson, Bob
Peterson, Jose
Peterson, Rich
Pickering, Travis "Plowboy"
Portcur, Kraig
Rogers, Eddie
Stuart, Mike
Thomas, Franco
Van Fleet, Victor
Washington, Freddie
Weaver, Mike
White, Eugene "Windmill"
Wiler, Gary "Hobo"
Wilson, "Irish Paddy"

Circa 1979-1980

Bobick, Wayne
Castlebury, Jesse James
Jerome, Gerry
Stewart, Nate
Welch, Scotty

Fiscal Year 1981

Asinas, James E.
Benbow, Donald
Berg, Michael A.
Bibby, Jimmie
Brideforth, Gregory
Buell, Ken P.
Bumpus, Donald L.
Caddell, Michael S.
Cardwell, Russell
Carr, Clayton
Carter, Al
Clarke, John R.
Cotter, Dan
Daotwiler, Gary
Davidson, Mark
Diamond, Tim
Duvan, Ernie
Dykstra, Dennis
Elley, Clarence
Faotus'n, Paula
Felton, Charles
Fishback, John C.
Freese, Sam
Giron, Gary
Glester, Willie
Gonzales, Manny
Hall, Cornell
Higgins, Russ
Hughes, Brett
Johnson, James
Johnson, J.J.
Johnson, Ronnie
Kilifi, Wally
Lux, Archie
Lyden, Mike
Madison, Terry
Maurer, Joe
McGuire, Bob
McGowan, Robert
Miller, John R.
Miller, Robert
Moore, Craig W.

Sources of Information:

1. Interviews with and records of Jr. Ramos, former State Athletic Commission member.
2. Division of Occupational Licensing's license records.

Fiscal Year 1981 (cont'd)

Navarro, Raymond E.
Nelson, Rick Blair
Neveah, Harold
Nickarz, George
Nieto, Darwin
Patton, Jim
Perkins, Ronald
Pickering, Travis
Porter, Phillip
Ransom, Don
Roberts, Kenneth Ray
Rochon, Jean
Rush, Dave "Yukon Crusher"
Schneider, Steve
Stack, Ronald J. Jr.
Stevens, Tony
Steward, Wendall
Sullivan, Tim
Sura, Fred
Tapous, Kurtis A.
Thomas, Lenny
Thurman, Tim
Weikune, Fautare
Vertheen, Tom
Vincent, Zachary
Weatherly, Pat
Whatley, Kenneth B.
Wilson, Amiel K.
Witherspoon, Bill
Wood, Ken
Young, Evans B.
Young, Steven

Fiscal Year 1982

Allen, Jim
Alt, Miles
Bain, Allen
Barr, Chuck
Brawley, William
Britton, Roscoe
Brock, Geoff
Como, Bob
Couture, Mike
Evanson, Tom
Hannon, Bruce
Howard, James, Jr.
Jackson, Dave
Jackson, Nathan
Jones, Roa
Jorgensen, Dennis
Lauder, Shelton
Leaf, Kerry
Leal, Dante A.
Lilly, Keith
McConkey, William C.
Molinar, Ruben
Naulte, Larry
Olsen, Ken
Owens, Johnny W.
Pimental, Adrian
Ranh, David
Ryan, Shawn Patrick
Samber, Ronald
Sharp, Todd
Sharp, Wayne
Smith, Herman
Smithers, Tim
Sorden, Dan
Spencer, Devon K.
Stevens, Louis
Stokes, David
Stolls, Jim
Stotts, John
Strong, Dale
Thrasher, Curtis
Turk, Michael
Valentine, Albert
Vonda, Rudy
White, Delvert
White, Rodger

Fiscal Year 1983

Arebie, Stanford
Davis, Leonard
Camacho, Hector
Connacher, Kirk
Corder, Paul
Goodwin, Mickey
Hughes, Brett
Johnson, Ronnie
Kirsman, Kenny
Kwasniewski, Mike
Lampkin, Kevin
Montes, John, Jr.
Poncheco, Dave
Perez, Steve
Perrotte, Frank
Remington, Jim
Rucker, Robert
Smith, James
Strong, Dale
Taylor, Duanne
Thrasher, Curtis
Walsh, James
Wright, Willie

APPENDIX C

STATE OF ALASKA
OFFICE OF THE GOVERNOR
STATE ATHLETIC COMMISSION
LICENSED REFEREES AND JUDGES
Circa 1976-1977 - April 11, 1983

JUDGES

Circa 1976-1977

Bailey, Coy
Branca, Ralph
Hauser, Phil
Henderer, Jim
Jackson, Brady
Peak, Joe

Circa 1977-1978

Bailey, Coy
Henderer, Jim
Jackson, Brady
Peak, Joe
Sanchez, Antonio
Turi, Joe
White, Ray

Circa 1979-1980

Miller, Jerry

REFEREES

Circa 1977-1978

Branca, Ralph
Gladson, Gordie
Mendez, Tony

Circa 1979-1980

Miller, Jerry

Fiscal Year 1981

Carothers, J.H. "Pat"
Cheek, Dale
McConkey, William C.
Miller, Jerry
Walden, Fred

Fiscal Year 1983

Buck, Harold
Green, Richard, Jr.
McClinton, Daniel
McConkey, William
Miller, Jerry
Pearl, Davey

- Sources of Information:
1. Interviews with and records of Jr. Ramos, former State Athletic Commission member.
 2. Division of Occupational Licensing's license records.

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APPENDIX D

STATE OF ALASKA
OFFICE OF THE GOVERNOR
STATE ATHLETIC COMMISSION
LICENSED MANAGERS AND PROMOTERS
Circa 1976-1977 - April 11, 1983

PROMOTERS

Circa 1976-1977

Global Productions, Joe Williams

Circa 1977-1978

Big H Promotions, Bob Haag
H & B Productions (later Promotions)
Bob Haag & Ralph Branca
Great Northern Sports, Joey Lopez
& Dennis Powell
Grizzly Promotions, Thomas E. Gravely
Midnight Sun Promotions, Bob D. Beasley

Circa 1979-1980

Olympic Boxing Club, Rudy Medina

Fiscal Year 1981

Grizzly Promotions, Thomas E. Gravely
& Tim Abena
Juneau Boxing Club, Michael Kelly
& Dan McClinton
Olympic Boxing Productions, Rudy Medina
Rockslide Productions, Steve Skinner

Fiscal Year 1982

CDS Enterprises, Clarence A. Mercer
Last Front Tear Events

Fiscal Year 1983

Last Front Tear Events

MANAGERS

Circa 1977-1978

Baines, Hezzie Alexander
Cox, Robert D.
Lopez, Joey

Fiscal Year 1983

Geirgino, Bennie
Giles, William
Pederson, Richard
Tomkin, Tony
Vaner, Randy

- Sources of information:
1. Interviews with and records of Jr. Ramos, former State Athletic Commission member.
 2. Division of Occupational Licensing's license records.

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APPENDIX E

STATE OF ALASKA
OFFICE OF THE GOVERNOR
STATE ATHLETIC COMMISSION
LICENSED ATTENDING PHYSICIANS, TRAINERS, SECONDS
Circa 1976-1977 - April 11, 1983

ATTENDING PHYSICIANS

Circa 1976-1977

Arrons, Doug
Babon, Ken
Beachman, Sherman
Bobson, Ronald
Mayer, William
Morris, Gerald
Paulus, Richard
Snyder, John

Circa 1977-1978

Mettinger, Dr.
Sliscò, Andrew
Snyder, Dr.
White, Dr.

TRAINERS

Fiscal Year 1981

Walden, Fred

Fiscal Year 1982

Hill, Willie
Jackson, Derrick
Poole, Lawrence
Sharp, Claude

Fiscal Year 1983

Buenafe, Davie
Casler, Nathan
Hubbs, James
McClinton, Daniel
Medina, Rodolfo
Montes, John, Sr.
Patton, Jim
Setora, Davis

SECONDS

Fiscal Year 1981

Hueser, Kent
Young, Steven

Fiscal Year 1983

McClinton, Daniel

- Sources of Information:
1. Interviews with and records of Jr. Ramos, former State Athletic Commission member.
 2. Division of Occupational Licensing's license records.

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APPENDIX F

STATE OF ALASKA
 OFFICE OF THE GOVERNOR
 STATE ATHLETIC COMMISSION
SCHEDULE OF EXPENDITURES
 July 1, 1974 - April 30, 1983

<u>Name of Payee</u>	<u>Date</u>	<u>Fiscal Year</u>	<u>Amount</u>	<u>Classification</u>
Arctic Winter Games	3/18/75	75	\$ 15,000.00	Grants and Assistance
Arctic Winter Games Corp.	2/25/76	76	75,000.00	Travel
Alaska Special Olympics	7/7/75	76	27,000.00	Grants and Assistance
Arctic Winter Games Corp.	12/17/75	76	15,000.00	Grants and Assistance
Arctic Winter Games Corp.	5/3/77	77	15,000.00	Grants and Assistance
Alaska Special Olympics	8/25/76	77	7,500.00	Grants and Assistance
		78	-0-	
		79	-0-	
		80	-0-	
Various Commissioners	(1)	81	1,269.56	Travel
Global Travel Service	(1)	81	520.00	Travel
Marjorie Odland	(1)	81	406.00	Travel
Professional Travel	11/20/80	81	294.00	Travel
Juneau Travel	5/18/81	81	225.76	Travel
North American Boxing	6/5/81	81	100.00	Contractual Services
Miscellaneous Payees	(1)	81	87.50	Supplies and Materials
		82	-0-	
		83	-0-	
<u>Total Expenditures</u>	(FY'75 - April 30, 1983)		<u>\$157,402.82</u>	

(1) Various disbursement checks

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APPENDIX G

STATE OF ALASKA
 OFFICE OF THE GOVERNOR
 STATE ATHLETIC COMMISSION
SCHEDULE OF REVENUES
 July 1, 1974 - April 30, 1983

<u>Fiscal Year</u>	<u>Unrestricted Receipts</u>		<u>Restricted Receipts</u>			<u>Total Receipts</u>
	<u>Estimates</u>	<u>Receipts</u>	<u>Estimates</u>	<u>Receipts</u>	<u>Transfers</u>	
<u>1975</u>						
Licenses	\$ 200	\$ 140	\$ -0-	\$-0-	\$ -0-	\$ 140
<u>1976</u>						
Licenses	300	-0-	-0-	-0-	-0-	-0-
<u>1977</u>	-0-	-0-	-0-	-0-	-0-	-0-
<u>1978</u>	-0-	-0-	-0-	-0-	-0-	-0-
<u>1979</u>	-0-	-0-	-0-	-0-	-0-	-0-
<u>1980</u>	-0-	-0-	-0-	-0-	-0-	-0-
<u>1981</u>						
Licenses	-0-	1,230	-0-	-0-	-0-	1,230
Office of the Governor(1)	-0-	-0-	10,000	-0-	1,993	1,993
<u>1982</u>						
Licenses	-0-	850	-0-	-0-	-0-	850
<u>1983 (through 4/30/83)</u>						
Licenses	2,200	640	-0-	-0-	-0-	640
<u>Totals</u>		<u>\$2,860</u>			<u>\$1,993</u>	<u>\$4,853</u>

(1) A Reimbursable Service Agreement was used to transfer funds from the Office of the Governor's contingency fund to the Department of Commerce and Economic Development. Funds were used by the State Athletic Commission to fulfill its combative sports regulatory responsibilities.

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MEMORANDUM

State of Alaska

TO: Jerry Reinwand
Executive Assistant
Office of the Governor

DATE: January 5, 1981

THRU: Pete Jeans, Deputy Commissioner
Department of Commerce and
Economic Development

FILE NO:

TELEPHONE NO:

FROM: Harry D. Treager, Director
Division of Occupational Licensing

SUBJECT: Athletic Commission Request
for Contingency Funds

Pursuant to Governor Hammond's memorandum of July 30, 1980, transferring the staff responsibility of the Athletic Commission from the Governor's Office to the Division of Occupational Licensing, a meeting with the commission was held on November 3, 1980 in Juneau.

The commission is presently composed of Sam Taguchi-Juneau; Don Dennis-Fairbanks; and Robert Vogt of Anchorage. They reviewed all existing statutes and procedures. The Athletic Commission statutes presently are contained in AS 05. They are vague, broad and require updating to distinguish authority and responsibility.

Since the Athletic Commission has been nonfunctional, all aspects of formulating new regulations, forms, publications, applications and informing the Alaska consumers and athletic community of regulating authority will be costly initially. The expense for the first meeting was \$253.00. No funding is available in this division's FY '81 budget.

The cost for the remainder of FY '81 is estimated to be for three additional meetings with a commission of five members. Statute also requires a commission member to be present at licensed events of boxing and wrestling. Anticipated cost is for board member travel, per diem and initial printing and publications, expected cost is \$10,000.00.

Instructions received was to request funding after the commission's first meeting.

This division is waiting for the Executive Order effecting the change of responsibility. There is also an anticipated change in statutory authority.

Budget amendment for FY '82 is being prepared.

HDT/jar2/2

Attachment

cc: Don Argetsinger, Office of the Governor
Rod Hourant, Director, Administrative Services,
Office of the Governor

MEMORANDUM

State of Alaska

TO: Harry Treaquer, Director
Division of Occupational Licensing
Department of Commerce and
Economic Development

DATE: November 5, 1980

FILE NO:

TELEPHONE NO:

FROM: Bebbie McAdams
Licensing Examiner

SUBJECT: Athletic Commission

The Athletic Commission conducted its first Board meeting November 3, 1980 to review Title 5, Chapter 05 governing the Athletic Commission. During this meeting the members encountered various difficulties in their attempts to restructure the outdated statutes. They found the material too vague and encompassing, and the lack of regulations a serious handicap. The Commission is as yet in the organizational stages and some research is felt necessary to achieve a functioning unit as soon as possible. Applications previously used are outdated and new ones must be designed for each license category. However, before licenses can be issued, guidelines must be formulated for each regulated sport under the Athletic Commission's jurisdiction. Here again a problem arises as the statutes do not address specific sports but "athletics". The members are uncertain as to which sports should be regulated and to what degree.

The Commission felt a representative should be sent to the Athletic Commission in Olympia, Washington to research the statutes and regulations and investigate the organizational aspects of that Commission to provide some guidelines for Alaska's Commission.

It is therefore requested that monies be appropriated for a member of the Alaska Athletic Commission to travel to Olympia, Washington for the purpose of researching statutes, regulations and organization.

Thank you for your consideration.

APPENDIX I

STATE OF ALASKA
Athletic Commission
Department of Commerce & Economic Development
Pouch D, Juneau, Alaska 99811

Minutes of Meeting
April 8, 1981

A workshop of the Alaska Athletic Commission was held April 8, 1981, in Juneau, Alaska, in Conference Room #2 on the 10th Floor of the Alaska State Office Building.

Commission members present were:

Sam Taguchi, Commissioner
Robert Vogt

Commission members absent were:

Reginald Joule
Don Dennis

Also present from the Department of Commerce and Economic Development, Division of Occupational Licensing, were Barbara Branson, Licensing Examiner, Marjorie Odland, Regulations Specialist, and Nick Coti, Management Analyst.

Washington Athletic Commission: Robert Vogt discussed his recent visit with the Washington State Athletic Commission. A booklet of the Washington Rules and Regulations regarding boxing and copies of the Washington application forms were passed around for review.

It was generally agreed the commission should refer to the Washington Commission rules and regulations where applicable when writing the Alaska regulations. It was agreed Mr. Vogt would edit the application forms and return them to the licensing examiner for printing. A judge's scoresheet was given to the licensing examiner for printing. The Washington rules and regulations booklet was given to the regulations specialist for referral when drafting regulations for the commission.

Telephone Policy: The licensing examiner was requested to find out what policy should be used for reimbursing commission members' long-distance calls.

Vogt's Correct Address: It was requested that the licensing examiner give the Governor's Office Mr. Vogt's correct address: 1800 Stanford Drive, Anchorage, Alaska 99504.

Minutes of Meeting
Athletic Commission

North American Boxing Federation: All states except Alaska have joined the federation. It was requested, providing funds are available, that the Alaska Athletic Commission join. The dues are \$100 annually. The licensing examiner was given an application form for completion and approval by the appropriate authority. The federation will provide the commission with information regarding ratings of fighters in North America, formulates U.S. regulations, sets standards states may adopt and officer training for commission members regarding their duties.

Inspector: It was requested an ID card be issued to Phil Mauser who is an inspector in the Anchorage area. It was also requested a list of inspectors be mailed to the commission members.

Stationery: Mr. Vogt requested that a supply of Occupational Licensing stationery be mailed to him for official use.

Snowmobile Races: Snowmobile races and the need for commission approval was discussed. It was generally agreed since the Alaska State Troopers and the Department of Highways had to approve the commission should not get involved.

Bonding: It was agreed the bonding statutes should be amended to include provisions of a cash deposit in lieu of bond.

Insurance: A medical coverage and death benefit surety fund was discussed. A fund where the promoter and the boxer both gave a percentage of their purse was felt to be the best option. Further investigation through an insurance company maintaining a surety fund for the State should be made.

Licenses: The discussion of issuing licenses led to the agreement that the individual members should review the applications for their area and approve as applicable. The money would continue to be receipted by the commission members who would issue a receipt which would also be recognized as a temporary license. The application and monies would, in turn, be forwarded to the Division of Occupational Licensing for receipting records and issuance of a division license. This system will be worked out by the division; forms and receipting instructions will be forwarded as soon as possible.

Records: It was agreed a central record should be maintained in the Division of Occupational Licensing for all those licensed under the commission and a record of all commission correspondence. It is the responsibility of the individual commission members to supply the division with their records to date and continue to forward applicable information in the future.

Minutes of Meeting
Athletic Commission

Applicant Examinations: It was agreed some type of written exams should be developed for referees and judges. Judges should be examined regarding the point system being used and referees should be knowledgeable of the rules of the game. At present, there are no standards which must be met by the applicant. This was to be considered for inclusion in the regulations.

Next Meeting: It was suggested for the next meeting a request that one of the Washington Commission members be requested to attend. Mr. Vogt felt it would be helpful for all the board members to understand Washington's rules and regulations and for further questions regarding regulations. The Washington commission members for consideration would be:

Don Muse, Commissioner
1417 Columbia Way
Olympia, Washington 98504

or

Dale Ashley - Inspector
6267 N.E. 203rd Place
Seattle, Washington 98151

Telephone number for commission information is (206) 753-3713

As there was no further business, the meeting adjourned at 3:45 p.m.

By: _____
Barbara Branson
Licensing Examiner

For: _____
Sam Taguchi, Commissioner

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MEMORANDUM

State of Alaska

TO: Catherine Wallen
Information Officer
Department of Commerce
& Economic Development

DATE: April 21, 1983

FILE NO:

TELEPHONE NO: 465-3603

FROM: Norman C. Gorsuch
Attorney General

SUBJECT: State liability
exposure upon
passage of HB 241

Bill Mellow

By: William G. Mellow
Assistant Attorney General
Special Litigation-Juneau

I have reviewed HB 241 for the purpose of assessing state liability exposure should this bill become law. As you are aware, there presently exists statutory provision for an Athletic Commission in AS 05.05.010 -- 05.05.040 which would be repealed by this bill. There is definite liability exposure both in the existing statutory scheme and under HB 241. Actual liability is, of course, dependent upon the extent of implementation and consequent contest activity which are unknown factors.

In a nutshell, the state can be held liable for breach of duties owed to persons who are injured by such breach. Thus, the failure of the state to maintain a road surface in the wintertime creates liability for injuries to motorists involved in accidents caused by icy road conditions. State v. Abbott, 498 P.2d 712 (Alaska 1972). HB 241 imposes a number of duties which are the measure of potential state liability. For example, the commissioner is obligated to adopt regulations for the safe conduct of contests (AS 05.05.080(b)), must provide for attendance of physicians (AS 05.05.090(b)), and may not permit participation by intoxicated persons (AS 05.05.140(a)(1)). Assuming hypothetically that a contestant was killed during an event in which the commissioner had not provided a physician in attendance, the state could be liable for the death if on site medical assistance might have prevented death. Likewise, death or serious injury to an intoxicated contestant could be state liability although comparative negligence of the contestant might diminish that liability somewhat.

In the approximate seven years that I have been involved in state tort defense litigation only one lawsuit was based upon Athletic Commission negligence. In that case, a boxing match was cancelled on the evening of the fight because (according to the promoter) neither the commissioner nor a

Catherine Wallen
Department of Commerce
& Economic Development

April 21, 1933
Page 2

physician was in attendance. This forced the promoter to cancel and refund admissions resulting in a claimed loss in excess of \$50,000. The "facts" more accurately appeared to be that other problems unconnected with Athletic Commission negligence were the cause of plaintiff's losses so that the case was eventually resolved without payout, although defense cost probably exceeded \$15,000.

If HB 241 does become law and additionally if athletic contests become regular events in the state, there will of course be considerably more state liability exposure than has been seen in the preceding seven years. The most obvious liability exposure would be death and brain damage injury to boxing contestants. Drawing upon my own experience in statewide personal injury litigation, I would approximate a fiscal note cost of not more than \$100,000/year. This is only a stab in the dark. I recommend that you confer with John Haywood, Director of the State Division of Risk Management (465-2180) should you need a more precise liability cost evaluation.

WGM:jal

cc: John Haywood

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DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT

POUCH D
JUNEAU, ALASKA 99811
PHONE: 465-2500

OFFICE OF THE COMMISSIONER

August 3, 1983

Mr. Gerald Wilkerson, CPA
Legislative Audit
Division of Legislative Audit
Legislative Affairs Agency
Pouch W
Juneau, Alaska 99811

Dear Mr. Wilkerson:

RE: Preliminary Report
State Athletic Commission

We would like to take this opportunity in responding to your report to identify our position on several issues and assure you this Administration is concerned first with the health and safety of contestants participating in combative sports, the public as spectators and consumers, and to prevent the exploitation of Alaska by those who would injure the State or its citizens.

RECOMMENDATION #1

The Office of the Governor and the Department of Commerce and Economic Development, in conjunction with the Department of Law, should clarify both the legal status of the State Athletic Commission and the extent of its jurisdiction.

We agree with your statement and recommendation, however, we would be remiss if we did not suggest the legislative branch of our State Government must also be included. During the first session of the Twelfth Legislature, SB 513 defining the Athletic Commission was introduced. This bill failed to be released from the House Labor and Commerce Committee. The agency supported that legislation and determined it would have resolved the questions in your recommendation, and allowed for fiscal appropriations.

As stated in your recommendation, the department has been aware of the concerns and has addressed them.

During the most recent legislative session, this Administration has been working with the House Labor and Commerce Committee and its Chairman on HB 241 for the proper establishment of a commission. We still have some concerns regarding the State's liability even with this legislation.

August 3, 1983

RECOMMENDATION #2

The Governor, upon considering the State's responsibility for the welfare and protection of the participants and spectators of combative sports, should develop proposed legislation to do one of the following:

- (a) Create new statutes to more clearly define the nature and extent of the SAC's responsibilities and fund it accordingly.
- (b) Abolish SAC and repeal its statutes.
- (c) Request funding for the current SAC in order that it can adopt and enforce regulations to more effectively regulate combative sports.

We have been working with legislative committees to develop legislation that will address the State's responsibility in the regulating of the boxing industry. HB 241 was introduced this session. Its success or failure will also reflect on AS 05. Passage would repeal AS 05 as it presently exists, and introduce the Alaska Boxing Commission.

Responding to item #1 under Recommendation #2, we cannot agree or disagree since there is no date period your report refers to. However, we will point out that since November 3, 1980, the division has instructed board members in remitting licensing fees, there is also correspondence to the commission members from the Department of Law, with instructions to the commission regarding AS 37.10.010 and the members' responsibility.

This agency does not have the information to submit an informed response to items #2 and #4 under Recommendation #1.

In regard to item #3, we would not concur in the statement there has been little "active commitment" to development of an active commission by the Administrative branch. Without adequate knowledge, we cannot respond to specifics regarding commission members' statements. We can only assume the statements would be coming from the current members or those recently replaced as commission members. We would disagree with the statement based on the lack of reciprocal communications from commission members.

We should mention that to eliminate a licensing requirement does not cause the type of activity to cease. The elimination of the licensing requirement could cause an increase in the number of events by unscrupulous promoters. We could support a law to make it illegal to conduct or sponsor these events in a bar under laws enforced by the State Alcoholic Control Board (AS 04). This would eliminate the "rough

Mr. Gerald Milkerson

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August 3, 1983

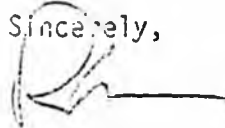
house boxing" events, thereby eliminating the danger of those not qualified to participate. At the present time, this agency does not have an informed opinion as to the training and qualifications of those participating in the "rough house boxing." Members of the staff have researched the "strong-man contest" and would not endorse that type of contest in Alaska. Contests of that type are without safeguards of any type until well into the final stages of the elimination (quarter and semi-final events) bouts.

We could also support a position that would allow professional boxing events to be held in arenas (ex. George M. Sullivan Arena) where alcoholic beverages are not the primary source of revenue. We would also endorse the position that all participants requiring a license obtain one no later than two weeks in advance of the event.

At the present time, the legal advice this agency has received because of the unanswered liability questions has been to seek repeal of existing statutes and nonsupport of legislation that would establish an Alaska Boxing Commission. Based on the current circumstances and the failure to properly fund the existing commission, we would concur with the legal advice.

Thank you for the opportunity to share this agency's opinion.

Sincerely,



Richard A. Lyon
Commissioner

RAL/kkk/H5
8333a